

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JUNE 29, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 11, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1253

**Introduced by Assembly Members Fuller and Gilmore
(Coauthors: Assembly Members DeVore, Harkey, and Silva)**

February 27, 2009

An act relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Fuller. Sacramento-San Joaquin Delta: fish predation report.

The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Program Programmatic Record of Decision, dated August 28, 2000, or as it may be amended.

The act requires the authority to establish a board of independent scientists to advise and make recommendations to the authority and the

Bay-Delta Public Advisory Committee, as appropriate, on the science relative to implementation of all program elements, including the science program element.

This bill would require the CALFED science program staff to conduct an independent scientific review of existing literature and studies on fish predation in the Sacramento-San Joaquin Delta, and to prepare and submit to the Legislature and the Governor a prescribed report.

The bill would also authorize the *Natural Resources Agency*, or a successor agency, to enter into funding agreements with public agencies and nongovernmental organizations to pay for the cost of the independent scientific review.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The CALFED science program staff shall
2 conduct an independent scientific review of existing literature and
3 studies on fish predation in the Sacramento-San Joaquin Delta, for
4 the purpose of evaluating whether additional studies are needed
5 on the effects of predation on species listed as threatened or
6 endangered under the state or federal endangered species acts, and
7 to determine whether predator species are adversely affecting, at
8 a population level, native salmonids or other indigenous pelagic
9 species in the Delta, and, if so, to ~~determine possible~~ *identify*
10 ~~possible policy changes and~~ management actions that could reduce
11 the effects of predation. The review ~~shall include an evaluation of~~
12 ~~existing studies on how fish salvage methods and other mitigation~~
13 ~~protocols at state and federal pumping facilities affect predation~~
14 ~~on native salmonids and indigenous pelagic species in the Delta~~
15 ~~at a population level.~~ *shall also include an evaluation of existing*
16 ~~studies on fish salvage methods and other mitigation protocols at~~
17 ~~state and federal pumping facilities and recommendations for~~
18 ~~changes in methodologies to improve survival, including the~~
19 ~~projected costs of those changes.~~

20 (b) After completing the review required by subdivision (a), the
21 CALFED science program staff shall prepare and submit to the
22 Legislature and the Governor a report that includes the following:

23 (1) A recommendation on whether additional studies are needed.

1 (2) If the CALFED science program staff recommends additional
2 studies, recommendations for the design and scope of those studies
3 and an estimate of the total costs for the studies.

4 (3) A determination of whether predator species are adversely
5 affecting indigenous pelagic species at a population level.

6 (4) Possible *policy changes and* management actions to mitigate
7 or reduce the effects of predation, if determined to ~~be significant~~
8 ~~on a population level~~ *have an adverse population level impact*,
9 and the projected costs of those actions.

10 (c) The *Natural* Resources Agency, or its successor agency,
11 may enter into funding agreements with public agencies and
12 nongovernmental organizations to pay for the cost of the
13 independent scientific review specified in subdivision (a).